



PUBLIC NOTICE

US Army Corps
of Engineers
Albuquerque District
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435

Fax No. 505-342-3498

cespa-od-r@usace.army.mil

Permit Application No:	Date:
2003 00089	March 10, 2004
Phone:	Suspense Date:
(915) 568-1359	March 31, 2004

In Reply Refer to:

District Engineer, ATTN: CESPA-OD-R

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS, ALBUQUERQUE DISTRICT, AND
TEXAS WATER COMMISSION

Summary of Proposed Project: We are requesting public comment on the following project before the above suspense date. The application is for a permit to place dredged and fill material into approximately two acres of ephemeral stream (dry arroyo) at the Resler Canyon/Alto Mesa Unit 9 Development in west El Paso, El Paso County, Texas. The proposed project includes street construction and a detention basin in association with the development of approximately 186 residential lots and a commercial site on 113 acres. Details of the proposed project are provided below.

Name of Applicant: Resler Interstate 10 Development Company, Inc., Attn: Gary Sapp, Vice President, 4401 North Mesa Street, Suite 201, El Paso, TX 79902, telephone (915) 533-1122.

Agent: Marino Cardenas Inc., Attn: Roberto Moreno, P.E., 2505 East Missouri Avenue, Suite 100, El Paso, TX 79903, telephone (915) 532-2091.

Location: The project is located in what is commonly known as Resler Arroyo (Flood Insurance Rate Map, Arroyo 5) in west El Paso, El Paso County, Texas (a 4400 ft reach between 31° 50' 01" N Latitude, 106° 32' 38" W Longitude and 31° 49' 33" N Latitude, 106° 33' 23" W Longitude). The property is generally bound to the north by Resler Drive and Coronado Townhouses Subdivision, to the east by Mesa Street and Coronado Hills Units 2 and 3, to the south by Coronado Hills Units 5, 6, and 7, and to the west by Resler Drive and Coronado Hills Unit 8.

Description of Work: The proposed project includes filling and grading activities in Resler Canyon to provide storm water drainage and construct a road in association with the Resler Canyon/Alto Mesa Unit 9 Development. Approximately 38,000 cubic yards of fill is proposed to be placed into two acres of ephemeral stream (approximately 3,000 linear feet) for road construction, including the placement of a 24-inch buried reinforced concrete pipe to accommodate storm water drainage. The proposed residential subdivision encompasses approximately 62 acres. The proposed commercial site encompasses approximately 39 acres. The proposed detention basin surface area is approximately 11 acres, and would be part of a storm sewer system which would continue to discharge runoff through an outfall structure and onto its original course downstream.

Approximately 1.1 million cubic yards of onsite soils are proposed to be moved in the process of constructing the project, with approximately 38,000 cubic yards of soil, road fill, and concrete pipe to be placed within the dry arroyo. Work is expected to begin in May 2004 and be completed by July 2005.

Purpose and Need: The stated purpose of the project is to provide residential and commercial property on the site suitable for economic use consistent with the site's zoning. Specifically, the ephemeral stream (dry arroyo) onsite is proposed to be filled for road construction and the installation of a concrete drainage pipe, and an upstream detention basin is proposed to be built, both of which are for accommodating peak runoff flows.

Mitigation Proposed by the Applicant: Resler Interstate 10 Development Co., Inc. has proposed the following mitigation plan for filling approximately 2 acres of ephemeral stream:

The Keystone Heritage Park located in El Paso, Texas is approximately 1,300 linear feet southwest of the proposed project site. The ephemeral stream proposed to be filled is currently feeding down into the Keystone Dam, which is located adjacent to and north of the Keystone Heritage Park. The Keystone Heritage Park is conducting a project that will protect and restore approximately 22 acres of native wetlands located in west El Paso. Resler Interstate 10 Development Co., Inc. proposes to purchase the restoration of 5 acres of the referenced 22-acre wetlands project.

Plans and Data: Drawings showing the location of the work site and other data are enclosed with this notice.

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If additional information is desired, it may be obtained from the applicant, or from:

Albuquerque District, Corps of Engineers	James E. Mace
Regulatory Branch	El Paso Regulatory Branch
4101 Jefferson Plaza, NE or	P.O. Box 6096
Albuquerque, NM 87109-3435	Fort Bliss, TX 79906-0096
(915) 568-1359	(915) 568-1359
	FAX - (915) 568-1348

State Water Quality Certification: Texas Water Commission certification is required. Concurrent with the processing of this application, the Texas Water Commission (TWC) is reviewing this application under Section 401 of the Clean Water Act and in accordance with Title 31 Texas Administrative Code Section 279.1.13 to determine if the work could comply with State water quality standards. By virtue of an agreement between the U.S. Army Corps of Engineers and the TWC, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TWC a decision on water quality certification under such act. Any comments concerning the application may be submitted to the Executive Director, Attention: Wastewater Permits Section, Texas Water Commission, 1700 North Congress, P.O. Box 13097, Capitol Station, Austin, Texas 78711. The public comment period extends 21 days from the date of publication of this notice. A copy of the public notice with a description of work is available for review in the Texas Water Commission's Austin office. The complete application may be reviewed in the Albuquerque District, U.S. Army Corps of Engineers Office. The TWC may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for public hearing must contain the following information: the name, mailing address and phone number of the person making the request; the application number or other recognizable reference to the application; a brief description of the interest of the requestor, or of persons represented by the requestor; and a brief description of how the application, if granted would adversely affect such interest.

Statement of Findings: An intensive (100%) archeological survey was conducted by John A. Peterson and Associates on June 27 through 29, 2003, of approximately 110 acres of land in the proposed Resler

Canyon/Alto Mesa Unit 9 Development within the City of El Paso, Texas. One cultural resource site and two isolated occurrences of prehistoric artifacts were found during the course of the survey. The cultural resource site, the "Discount Site" (Official Texas Trinomial number pending) is recommended as eligible for nomination to the National Register of Historic Places. Consultation with the Texas State Historic Preservation Office (TXSHPO) will be conducted to determine the appropriate action to be taken before a permit decision is determined. Additionally, it is possible that during the proposed project's construction, presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that additional cultural resources are found, the TXSHPO will be contacted for advice on the appropriate action to be taken.

The following is a list of endangered (E) and threatened (T) species and/or critical habitat (CH) for El Paso County, Texas:

Sneed pincushion cactus (E)
Northern aplomado falcon (E)
Peregrine falcon (E)
Mexican spotted owl (T)

Our preliminary review indicates this project will not impact any threatened or endangered species or critical habitat.

In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an environmental assessment will be prepared for this project. Upon completion, the assessment may be seen at the Albuquerque District Office, U.S. Army Corps of Engineers, at the address given above.

Comment: Any comments concerning this project should be received by the District Engineer no later than **March 29, 2004**. Comments received after the end of the Public Notice comment period will not be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue,

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modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

At the request of the Department of Public Safety, Emergency Management Preparedness, State Coordinator, we are sending a copy of this notice to the local flood plain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. The local Flood Plain Administrator is required to perform this review for all proposed development and maintain records of such review. You may contact:

State Reclamation Engineer
Attn: Mr. James Mirabal
homepage: www.tnrcc.state.tx.us
Phone: 512-239-4771

If the District Engineer determines that the project complies with the 404(b)(1) guidelines, he will grant the permit unless issuance would be contrary to the public interest.

Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

Dana R. Hurst
Lieutenant Colonel, U.S. Army
District Engineer

Enclosure